



General Assembly

Substitute Bill No. 5301

February Session, 2010

* _____HB05301PRIENV031210_____*

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE
CONCERNING MUNICIPAL SOLID WASTE MANAGEMENT SERVICES
IN CONNECTICUT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-241b of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective from passage*):

3 (a) On or before February 1, 1988, the Commissioner of
4 Environmental Protection shall adopt regulations in accordance with
5 the provisions of chapter 54 designating items that are required to be
6 recycled. The commissioner shall designate an item as suitable for
7 recycling and amend said regulations accordingly when thirty-three
8 per cent or more of the intermediate processing facilities, as defined in
9 section 22a-260, in this state has the capacity and capability to accept
10 such item. On or before January 1, 2011, and every ten years thereafter,
11 the commissioner shall review the adequacy of such regulations. The
12 commissioner may designate other items as suitable for recycling and
13 amend said regulations accordingly.

14 (b) Any item designated for recycling pursuant to subsection (a) of
15 this section shall be recycled by a municipality within three months of
16 the establishment of service to such municipality by a regional
17 processing center or local processing system.

18 (c) On and after January 1, 1991, (1) each person who generates solid
19 waste from residential property shall, in accordance with subsection (f)
20 of section 22a-220, separate from other solid waste the items
21 designated for recycling pursuant to subsection (a) of this section, and
22 (2) every other person who generates solid waste shall, in accordance
23 with subsection (f) of section 22a-220, make provision for the
24 separation from other solid waste of the items designated for recycling
25 pursuant to subsection (a) of this section.

26 Sec. 2. (NEW) (*Effective from passage*) (a) The Commissioner of
27 Environmental Protection shall review the state's policies concerning
28 solid waste diversion and recycling. Not later than January 1, 2011, the
29 commissioner, in consultation with the commissioner's solid waste
30 management advisory committee, shall develop flexible incentive
31 programs that assist the state and municipalities in achieving the solid
32 waste diversion and recycling goals of the state's solid waste
33 management plan.

34 (b) Any flexible incentive program developed pursuant to
35 subsection (a) of this section shall: (1) Contain specific program goals
36 and accomplishment measures; (2) be implemented not later than
37 December 31, 2011, and have a proposed termination date of December
38 31, 2016; and (3) for informational purposes, be submitted to the joint
39 standing committee of the General Assembly having cognizance of
40 matters relating to the environment. Not later than December 31, 2012,
41 and each year thereafter that any such flexible incentive program is in
42 use, the commissioner, in accordance with section 11-4a of the general
43 statutes, shall report to the joint standing committee of the General
44 Assembly having cognizance of matters relating to the environment on
45 the impact of each flexible incentive program and shall include in such
46 report any recommendations to improve solid waste diversion and
47 recycling in this state.

48 Sec. 3. (*Effective from passage*) Not later than June 1, 2011, the
49 Commissioner of Environmental Protection, in accordance with section
50 11-4a of the general statutes, shall report to the joint standing

51 committee of the General Assembly having cognizance of matters
52 relating to the environment on the costs and benefits to the state,
53 municipalities and waste generators of different methods of removing
54 food waste from the waste stream. Additionally, such report shall
55 identify incentives and guidance the state could provide in order to
56 develop the requisite composting facilities for the removal of such food
57 waste from the waste stream.

58 Sec. 4. Section 22a-220a of the general statutes is repealed and the
59 following is substituted in lieu thereof (*Effective from passage*):

60 (a) The legislative body of a municipality may designate the area
61 where solid waste generated within its boundaries by residential,
62 business, commercial or other establishments shall be disposed. The
63 disposal of such solid waste at any other area is prohibited, except that
64 a municipality may approve, in writing, disposal at another area,
65 either within or outside the boundaries of such municipality, prior to
66 disposal. A municipality may refuse to approve disposal at another
67 area if such disposal would adversely affect its solid waste disposal
68 program. The legislative body of a municipality may also designate
69 where the following items generated within its boundaries from
70 residential properties shall be taken for processing or sale: (1)
71 Cardboard, (2) glass, food and beverage containers, (3) leaves, (4)
72 metal food and beverage containers, (5) newspapers, (6) storage
73 batteries, (7) waste oil, and (8) plastic food and beverage containers.
74 The processing or sale of such items at any other area shall be
75 prohibited, except that a municipality may approve, in writing,
76 processing or sale elsewhere, either within or outside the boundaries of
77 such municipality, prior to processing or sale. A municipality may
78 refuse to approve processing or sale elsewhere if such processing or
79 sale would adversely affect its recycling program. For purposes of
80 sections 22a-208e, as amended by this act, 22a-208f, 22a-220, this
81 section, sections 22a-220c, 22a-241b, as amended by this act, 22a-241e,
82 and subsection (c) of section 22a-241g, residential property means real
83 estate containing one or more dwelling units but shall not include
84 hospitals, motels or hotels.

85 (b) The legislative body shall give not less than sixty days' notice of
86 its intent to designate a disposal area for solid waste or to designate
87 where the items generated from residential property listed in
88 subsection (a) of this section shall be taken for processing or sale to all
89 collectors hauling solid waste or such items of the municipality. At the
90 conclusion of such period, the legislative body shall cause notice of
91 such designation to appear in a newspaper of general circulation in the
92 municipality and shall conduct a public hearing thereon. Prior to
93 designating where the items generated from residential property and
94 listed in subsection (a) of this section shall be taken for sale or
95 processing, the municipality shall consider the private recycling
96 occurring within the municipality, the effects of its proposed
97 designation on such recycling, and the policy set forth in subdivision
98 (4) of section 22a-259.

99 (c) Except as provided in subsection (a) of this section, recyclable
100 material, including but not limited to, glass, metal, paper, corrugated
101 paper or plastic, may be removed or segregated at the source of
102 generation or prior to disposal at the designated area and
103 preseggregated recyclable material may be transported directly to
104 facilities which accept and process recyclable material.

105 (d) Any collector hauling solid waste generated by residential,
106 business, commercial or other establishments in a municipality shall
107 register, annually, in such municipality and disclose: (1) The name and
108 address of the collector, the owner of such collector, any principal
109 partner in such collector and any manager or person who has policy or
110 financial decision-making authority for such collector; (2) the name of
111 any subsidiary of such collector; (3) the name of any other municipality
112 or state in which such collector hauls such solid waste; (4) whether the
113 hauling done by such collector is residential, commercial or other; (5)
114 the type of wastes hauled; (6) the location of any disposal area for solid
115 waste that such collector uses or intends to use in the next year; and (7)
116 any additional information that such municipality requires to ensure
117 the health and safety of its residents.

118 (e) The door of any private vehicle used to haul solid waste shall be
119 clearly marked with the business name and address of the hauler.

120 (f) Any collector who dumps more than one cubic foot in volume of
121 solid waste at one time in an area not designated for such disposal by a
122 municipality pursuant to the provisions of this section or who
123 knowingly mixes other solid waste with items designated for recycling
124 pursuant to section 22a-241b, as amended by this act, or pursuant to
125 municipal ordinance shall for a first violation be liable for a civil
126 penalty of not more than two thousand five hundred dollars for each
127 violation and not more than ten thousand dollars for a subsequent
128 violation. Any municipality or the Attorney General, at the request of
129 the commissioner, may bring an action under this section. All such
130 actions shall have precedence in the order of trial as provided in
131 section 52-191. Any such action by the Attorney General shall be
132 brought in the superior court for the judicial district of Hartford.

133 (g) As used in this section, "collector" means any person who holds
134 himself out for hire to collect solid waste from residential, business,
135 commercial or other establishments.

136 (h) The legislative body of a municipality may prohibit the
137 scavenging of solid waste.

138 (i) Any person, other than a collector, who: (1) Dumps more than
139 one cubic foot in volume of solid waste at one time in a solid waste or
140 refuse collection container without the authorization of the owner of
141 such container, or (2) dumps any material into a recycling collection
142 container used to collect another type of material for purposes of
143 disposal by a collector shall be guilty of an infraction as provided for in
144 chapter 881b. Any owner or lessor of a solid waste or refuse collection
145 container may post signs on or near such container which indicate the
146 penalties provided for in this section for unauthorized disposal of
147 waste in such container. Any municipal police officer may issue a
148 summons for the commission of an infraction for any violation of this
149 subsection.

150 (j) On or before January 15, 2011, and each year thereafter, each
151 municipality shall provide a list of registered collectors and any
152 information supplied by such collector pursuant to subsection (d) of
153 this section to the Commissioner of Environmental Protection in such
154 format as the commissioner prescribes. Not more than ninety days
155 after receipt of such information, the Commissioner of Environmental
156 Protection shall post such information on the Department of
157 Environmental Protection's web site. Any municipality that fails to
158 provide such information to the commissioner in a timely manner shall
159 be ineligible for the flexible recycling program pursuant to chapter
160 446d.

161 Sec. 5. (*Effective from passage*) The Commissioner of Environmental
162 Protection shall study the economic feasibility of the state purchase
163 and ownership of solid waste disposal areas. In conducting such study,
164 the commissioner shall examine the following issues: (1) Whether the
165 state or a private entity is better suited to acquire and maintain such
166 areas, (2) any costs associated with the acquisition, maintenance and
167 permitting of such areas that will not be put into use, and (3) the
168 conditions that would be necessary to put such areas into use,
169 including, but not limited to, the presence of uncompetitive disposal
170 practices or other unreasonably high disposal costs and the minimum
171 and maximum amount of time such areas should be owned by the
172 state prior to use or sale of such areas. Not later than July 1, 2011, the
173 commissioner, in accordance with section 11-4a of the general statutes,
174 shall report the findings of such study and any concomitant
175 recommendations to the joint standing committee of the General
176 Assembly having cognizance of matters relating to the environment.

177 Sec. 6. Section 22a-208e of the general statutes is repealed and the
178 following is substituted in lieu thereof (*Effective from passage*):

179 (a) The owner or operator of each resources recovery facility and
180 each solid waste disposal area shall submit a report to the
181 Commissioner of Environmental Protection quarterly with respect to
182 the calendar quarter beginning on October 1, 1989, and each calendar

183 quarter thereafter, on or before the last day of the month immediately
184 following the end of each quarter. Such report shall be on a form
185 prescribed by the commissioner and shall provide such information
186 the commissioner deems necessary, including but not limited to, the
187 amount of solid waste, by weight or other method acceptable to the
188 commissioner, received from each municipal or other customer and
189 the name and address of the applicable solid waste collector, as
190 defined in subsection (g) of section 22a-220g. Such report shall also
191 include for each Connecticut municipality the total amount of solid
192 waste originating therefrom. The owner or operator shall submit to
193 each such municipality a copy of all such information pertaining to the
194 municipality. If precise data are not available, the owner or operator
195 may use a method of estimating acceptable to the commissioner.

196 (b) The commissioner may require the owner or operator of any
197 other solid waste facility and, consistent with the requirements of
198 subsection (c) of this section and section 22a-208f, the owner or
199 operator of any recycling facility to report the information specified in
200 subsection (a) in the manner set forth in said subsection. Such
201 requirement shall be made by written notification to the owner or
202 operator of the facility.

203 (c) The owner or operator of any recycling facility which receives for
204 processing or sale the following items generated from within the
205 boundaries of a Connecticut municipality: (1) Cardboard, (2) glass,
206 food and beverage containers, (3) leaves, (4) metal food and beverage
207 containers, (5) newspapers, (6) storage batteries, (7) waste oil, (8)
208 plastic food and beverage containers, and (9) office paper, shall report
209 for each such item the information specified in subsection (a) of this
210 section in the manner set forth in said subsection. If a municipality or
211 collector of recyclable items delivers any of the items listed in this
212 subsection to a recycling facility which is not located in this state, such
213 municipality or collector shall notify the commissioner of the name
214 and address of the owner or operator of such facility and shall ensure,
215 by contract, that such facility has notice of and complies with the
216 reporting requirements of this section. As used in this section, "office

217 paper" means used or discarded white or manila paper including, but
218 not limited to, paper utilized for file folders, tab cards, writing, typing,
219 printing, computer printing and photocopying, which paper is suitable
220 for recycling, but does not mean office paper generated by households.

221 (d) Not later than July 1, 2011, the commissioner shall require any
222 data submitted pursuant to this section to be submitted electronically.
223 The commissioner shall notify any owner or operator of any resources
224 recovery facility, solid waste disposal area, solid waste facility or
225 recycling facility who is required to submit data pursuant to this
226 section that any submission made after the effective date of this section
227 may be made electronically. The commissioner shall notify any such
228 owner or operator of any resources recovery facility, solid waste
229 disposal area, solid waste facility or recycling facility of the electronic
230 format that is acceptable to the commissioner, provided any data
231 submitted electronically shall be clearly labeled with easily identifiable
232 categories. The commissioner shall develop an electronic verification
233 system that enables any such owner or operator of any resources
234 recovery facility, solid waste disposal area, solid waste facility or
235 recycling facility to make such an electronic submission without the
236 need to submit a concomitant paper copy that is signed by such owner
237 or operator.

238 (e) Not later than three months after the submission of any data
239 pursuant to this section, the commissioner shall post such data on the
240 department's web site. The commissioner shall indicate, at the time of
241 such posting, whether such data is verified. On or before January
242 fifteenth of each year, the commissioner shall verify and post on the
243 department's web site any information submitted pursuant to this
244 section.

245 Sec. 7. Section 22a-228 of the general statutes is repealed and the
246 following is substituted in lieu thereof (*Effective from passage*):

247 (a) The Commissioner of Environmental Protection shall adopt
248 regulations in accordance with the provisions of chapter 54

249 establishing procedures for adopting and amending a state-wide solid
250 waste management plan and for granting temporary variances from
251 the provisions of the plan. Such regulations shall require notice to each
252 affected municipality by certified mail, return receipt requested, and
253 an opportunity for public comment, including regional hearings, and
254 shall assure full consideration of and response to any comments
255 received by the commissioner. The state-wide solid waste management
256 plan shall be adopted and amended in accordance with such
257 regulations, but shall not be deemed to be a regulation for purposes of
258 chapter 54.

259 (b) On or after January 1, 1987, the Commissioner of Environmental
260 Protection shall adopt a state-wide solid waste management plan
261 which shall incorporate each municipal solid waste management plan
262 approved pursuant to section 22a-227. The plan shall establish specific
263 goals for source reduction, bulky waste recycling and composting. The
264 plan shall establish the following order of priority for managing solid
265 waste: Source reduction; recycling; composting of yard waste or
266 vegetable matter; bulky waste recycling; resource recovery or waste-to-
267 energy plants; incineration and landfilling.

268 (c) The commissioner shall amend said plan to include an
269 assessment of the amount of landfill capacity needed in the state for
270 landfills for residue from resources recovery facilities, ash from
271 municipal incinerators and for bulky waste. Such assessment shall
272 include (1) a projection of the annual capacity needed for the twenty-
273 year period commencing on July 1, 1989, and (2) a minimum and
274 maximum number of landfills in simultaneous operation required to
275 dispose of such residue, ash or waste. Such amendment shall be
276 available to the public on or before January 1, 1989.

277 (d) On or before January 1, 1990, the Commissioner of
278 Environmental Protection shall revise the state-wide solid waste
279 management plan to include a source reduction component that
280 outlines specific strategies to reduce the solid waste generated in this
281 state by an amount not less than the amount required to maintain until

the year 2010 the annual per capita solid waste generation rate at the rate estimated by the commissioner in 1988. Such strategies shall include measures to reduce waste from packaging materials and disposable products.

(e) On or before July 1, 2016, and every ten years thereafter, the commissioner shall revise the state-wide solid waste management plan. Not later than July 1, 2011, and every ten years thereafter, the commissioner shall prepare and publish an addendum to the solid waste management plan that is in effect. Such addendum shall include, but not be limited to, a comparison of the state's actual performance with the projections contained in such plan, any revised projections for the remaining duration of such plan and the status of the state's accomplishment in achieving any goals contained in such plan.

Sec. 8. (*Effective from passage*) Not later than January 1, 2011, the Commissioner of Environmental Protection, in accordance with the provisions of section 11-4a of the general statutes, shall submit to the joint standing committee of the General Assembly having cognizance of matters relating to the environment a report on the Department of Environmental Protection's landfill monitoring practices. Such report shall include, but not be limited to: (1) An assessment of the department's efficacy in monitoring landfills at a level that adequately protects the environment and public health, (2) recommendations concerning any changes that should be made in the department's landfill monitoring practices, including any proposed increase or decrease in monitoring and whether a third party should perform such monitoring, and (3) an estimate of the costs associated with any proposed changes in the department's landfill monitoring practices.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-241b
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	22a-220a

Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	22a-208e
Sec. 7	<i>from passage</i>	22a-228
Sec. 8	<i>from passage</i>	New section

PRI***Joint Favorable Subst. C/R*****ENV**